

January 23, 2015

**Via ECF and Electronic Mail**

Honorable Richard J. Sullivan  
United States District Court  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2104  
New York, New York 10007

**Re:    *Next Comms. Inc., et al v. Viber Media, Inc.*, No. 1:14-cv-08190-RJS**

Dear Judge Sullivan:

On January 14, 2014, the Court set an initial status and pre-motion conference (“Conference”) for Thursday, February 5, 2015. The Court’s individual practices require that the attorney who will serve as principal trial counsel appear at all conferences with the Court.

Undersigned, who is Next’s principal trial counsel, has a pre-planned family vacation scheduled for February 5-9, 2015, and is scheduled to leave Miami on a flight at 1:05 p.m. on February 5, 2015, which would preclude him from appearing in person in New York, or by phone from his office.

Mr. Carlos Nunez, though he is not Next’s principal trial counsel for this matter, will be actively participating in this litigation as he is Mr. Foodman’s partner. Mr. Nunez has other commitments in Miami that preclude him from appearing in person in New York, but Mr. Nunez is available to attend the hearing telephonically, if the Court will permit him to do so.

Undersigned contacted Viber’s counsel via email on January 22, 2015, to see if he had any objection to allowing Next’s counsel to appear telephonically. However, as of the time that this letter was transmitted to the Court, Undersigned has not received a response.

Accordingly, Undersigned respectfully requests that the Court permit Mr. Nunez to (a) attend the Conference, and (b) to appear telephonically. In the alternative, Undersigned respectfully requests that the Court reschedule the hearing.

Respectfully Submitted,



Daniel Foodman